

DEPARTMENT OF LAND AND NATURAL RESOURCES

**Adoption of Chapter 13-282
Hawaii Administrative Rules**

October 31, 2002

SUMMARY

**Chapter 13-282, Hawaii Administrative Rules,
entitled "Rules Governing Permits for Archaeological
Work", is adopted.**

HAWAII ADMINISTRATIVE RULES

TITLE 13

DEPARTMENT OF LAND AND NATURAL RESOURCES

SUBTITLE 13

STATE HISTORIC PRESERVATION DIVISION RULES

CHAPTER 282

RULES GOVERNING PERMITS FOR ARCHAEOLOGICAL WORK

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| §13-282-2 | Definitions |
| §13-282-3 | Archaeological permits |
| §13-282-4 | Fees |
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§13-282-1 Policy and purpose. Chapter 6E, HRS, authorizes the department of land and natural resources to regulate archaeological activities throughout the state. This rule establishes a permit system for all archaeological field work undertaken anywhere in this state, other than on federal lands, to ensure the quality of archaeological work, to obtain reports on all work for the Hawaii inventory of historic places, and thereby to better protect historic properties in the public's interest. [Eff: _____] (Auth: HRS §6E-3) (Imp: HRS §6E-3)

§13-282-2 Definitions. As used in this chapter unless the context requires otherwise;

"Agency" means any state or county governmental entity.

"Applicant" means archaeological consulting firms, museums, universities, non-profit institutions, or scholars who desire to undertake archaeological field work in Hawaii and whose principal investigator meets the minimal professional standards for archaeologists as provided in chapter 13-281.

"Department" or "DLNR" means the state department of land and natural resources.

"Historic property" means any building, structure, object, district, area, or site, including heiau and underwater site, which is over fifty years old.

"State historic preservation division" or "SHPD" means the state historic preservation division within the state department of land and natural resources. [Eff _____] (Auth: HRS §6E-3) (Imp: HRS §§6E-1, 6E-3, 6E-7, 6E-8, 6E-42)

§13- 282- 3 Archaeological permits. (a) No archaeological firms, independent individuals, agencies or organizations shall perform any alteration to historic properties in the state of Hawaii until an annual permit is first obtained from the department. Permits shall only be issued to archaeological consulting firms, museums, universities, agencies, non-profit institutions, or scholars who have on staff at least one principal investigator who meets the minimal professional standards for archaeologists as provided in chapter 13- 281.

(b) Each permit shall be valid only for the calendar year for which it is issued, regardless of when it is issued in the calendar year.

(c) The archaeological permit application shall include:

- (1) The name, address, and phone number of the applicant; and
- (2) The name and professional resume of each principal investigator to be covered by the permit.

(d) A permit shall be issued to an applicant within ten working days of receipt of a complete application. If an application is not complete, the SHPD shall notify the applicant by letter within ten working days of receipt of the application specifying what information is missing.

(e) In the event a principal investigator leaves a firm, museum, university, or non-profit institution, or a new principal investigator is employed or gains qualifications, the SHPD shall be notified in writing, with any necessary resumes attached.

(f) Each permit shall contain the following conditions:

- (1) The permittee shall submit, within one month of the conclusion of any field work, a brief report on findings to consist of:

- (A) A map locating all sites studied, to be on a portion of the relevant United States Geological Survey standard 1:24,000 topographic map; and
- (B) A table listing each site, its major architectural features, its probable function, and the nature of work at each site (mapping, description, surface collection, test excavation).
- (2) The permittee shall submit a minimum of two copies of a report or paper on any archaeological work to the SHPD.
- (3) The permittee shall ensure all personnel are capable of adequately conducting the necessary work to accomplish any scopes of work.
- (4) The permittee shall comply with all applicable statutes, ordinances, rules and regulations of the federal, state and county governments; and
- (5) The permittee shall hold the State of Hawaii harmless from and against any loss, liability, claim or demand for property damage, personal injury and death arising out of any act or omission of the permittee and its employees, contractors and agents under the permit. [Eff]
(Auth: HRS §6E-3) (Imp: HRS §6E-3)

§13- 282- 4 Fees. An archaeological permit application shall be accompanied by a filing fee of \$50. All fees shall be in the form of cash, certified or cashier's check, and payable to the Hawaii historic preservation special fund. [Eff] (Auth: HRS §6E-3) (Imp: HRS §6E-3)

§13- 282- 5 Penalty. Should a party alter an archaeological property without a permit or should not fulfill a permit's conditions:

- (1) The principal investigator of the archaeological work or the firm, or both shall be subject to penalties as covered under section 6E-11, HRS;
- (2) The principal investigator of the archaeological work or the firm, or both,

- shall forfeit all items collected and all recorded information to the SHPD; and
- (3) A permit may be revoked. [Eff
] (Auth: HRS §6E-3) (Imp: HRS §§6E-3; 6E-11)

DEPARTMENT OF LAND AND NATURAL RESOURCES

Chapter 13-282, Hawaii Administrative Rules, on the Summary Page dated October 31, 2002, was adopted November 15, 2002, following public hearings held on the islands of Kauai on August 20, 2002, Hawaii on August 21 and 22, 2002, Maui on August 26, 2002, Molokai on August 27, 2002, Oahu on August 28, 2002, and Lanai on August 29, 2002, after public notice was given in the Honolulu Star Bulletin, Hawaii Tribune Herald, West Hawaii Today, Maui News, and the Garden Isle on July 21, 2002.

The adoption of chapter 13-282 shall take effect ten days after filing with the Office of the Lieutenant Governor.

Peter T. Young,
Chairperson
Board of Land and Natural
Resources

Approved:

Linda Lingle, Governor
State of Hawaii

Dated: _____

APPROVED AS TO FORM:

Deputy Attorney General

Filed